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IN THE

Supreme Court of the United States

OCTOBER TERM, 1967

No.953

D. J. MILLER,

Petitioner,

v.

COUNTY OF LOS ANGELES,
a Political Subdivision of the State of California,

Respondent.

MOTION FOR LEAVE TO FILE PETITION FOR REHEARING OUT OF TIME

Petitioner moves for an Order permitting his Petition for Rehearing, which has already been delivered to the Clerk of the Court, to be filed on the following grounds:

Petitioner belatedly opened a letter sent by surface mail from the printer dated May 25, 1967 (petitioner was out of town the major part of June), stating facts as above outlined and that delivery was not timely.

The delay was apparently caused because the printer was overburdened with work, or through inadvertence, since the

draft of the "PETITION FOR REHEARING" was transmitted to him well ahead of the due date.

In the letter noted above from the printer, it is stated that "the Clerk's Office has advised us that the 20 days extension as requested by you, was reduced to a fifteen day extension . . .".

However, the petitioner was diligent since he airmailed his "draft" so it would reach the printer the first of the week which ended in the deadline of Saturday, the 20th of May, and the said deadline was noted in the correspondence, but apparently the previous advice to the printer of 20 days extension of time was thought to be the extended due date.

Petitioner prays that this Motion be granted in the interest of justice since the essence of his Petition for Rehearing is a mistake or misconception of facts similar to the one involved in the instant matter.

Respectfully submitted,

DUNCAN J. MILLER
Petitioner Pro Se
Box 728
Boulder City, Nevada 89005

CERTIFICATE OF SERVICE

Petitioner certifies copy of the above and foregoing document was sent to Respondent's Legal Department, Irving Taplin, Jr., 648 Hall of Administration, Los Angeles, California 90012, on this, the 11th day of July, 1967.

D. J. Miller